



An
Bord
Pleanála

Inspector's Report ABP-319780-24

Development	PROTECTED STRUCTURE: Construction of a dwelling with all associated site works.
Location	No. 31 Ormond Road South, Ranelagh, Dublin 6.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	3304/24.
Applicant(s)	Denis Boland & Deirdre Boland.
Type of Application	Planning Permission.
Planning Authority Decision	Refused.
Type of Appeal	First Party.
Appellant(s)	Denis Boland & Deirdre Boland.
Observer(s)	1. Belgrave Residents Association. 2. Denise Brett.
Date of Site Inspection	23 rd day of August 2024.
Inspector	Patricia M. Young.

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1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 58m², consists of the northern most part of the rear garden area of No. 31 Ormond Road South, a Protected Structure, c243m to the south west of Beechwood Tram Stop, in the south Dublin city suburb of Ranelagh, Dublin 6.
- 1.2. The site is currently enclosed by tall stone walls on its eastern and western side. I observed along the Annesley Park roadside boundary of the site that the period tall limestone wall contained an attractive detailed brick string course. A tall solid vehicle sized gate flanked by red brick pillars is located on the eastern section of the lane side boundary of the site. With this adjoined by a tall stone wall that is incorporated into a pitched roof shed structure that lies within the boundaries of the appeal site. The aforementioned gate provides access onto an unnamed restricted in width laneway that provides connection to Annesley Park immediately to its east. Along the adjoining lane's carriageway edge there are double yellow lines. The adjoining laneway is surfaced in mainly concrete which is in a poor condition. This laneway also provides connection via a spur lane to the west of the site to Killeen Road. I also observed that the predominant building type along the adjoining laneway is *ad hoc* in design and built form single storey outbuilding/garage type structures.
- 1.3. The site contains a single storey outbuilding structure's whose ridge runs perpendicular to the adjoining laneway. This structure is located on the north western corner of the site. The remainder of the site forms part of the larger private amenity space of No. 31 Ormond Road South. This period property can be described as an attractive Victorian period 2-storey red brick semi-detached dwelling that is located on the western side of Ormond Road South's junction with Annesley Park and form's part a coherent group of three and with a larger grouping on the opposite side of Ormond Road South.
- 1.4. The surrounding area has a mature residential suburban character, with Beechwood Tram Stop located in close proximity to the north east.

2.0 Proposed Development

2.1. Planning permission is sought for the construction of a two-storey mews dwelling (Note: with a given floor area of 61m²) to the rear of No. 31 Ormond Road South, a Protected Structure, which would involve the partial removal of the existing boundary wall to Annesley Park/Mews Lane, demolition of existing single storey outbuilding (Note: with a given floor area of 12.6m²) and all associated site works. The mews dwelling, which is indicated to have a two-storey built form, has a proposed 6.2m ridge height, consists of a brick faced masonry structure with metal roof and timber framed windows. It would be accessed from a courtyard that would contain a pedestrian access onto the public domain of Annesley Park. No works are proposed to the existing Protected Structure, or the remainder of the site and no vehicle access or off-street parking is proposed to serve future occupants of the proposed dwelling unit. This application is accompanied by the following documents:

- Planning Report
- Architects Design Report & Conservation Method Statement
- S96 Certificate of Exemption

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 25th day of April, 2024, Dublin City Council issued a notification of decision to **refuse** permission for the proposed development for the following stated reason:

“The design of the proposed dwelling, to the rear of a protected structure and within a Z2 residential conservation area, does not provide an adequate high quality design solution, particularly in regard to the roof profile and window arrangement, on this restricted site. In addition, the private open space is seriously compromised by reason of the external staircase and the provision of bin and bicycle parking within the courtyard and there is also concerns with the quality of light serving habitable rooms, which would have a detrimental impact on future residential amenity. As such, the proposed development would be contrary to the requirements of Dublin City Development Plan 2022-2028 and the Z2 zoning objective of the site, to protect,

provide and improve the amenities of residential conservation areas. The proposed development would also create an undesirable precedent for similar such developments, would devalue property in the vicinity and would therefore, be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report reflects the decision of the Planning Authority. It considers that the site is restricted, that the proposed development is not of a sufficiently high architectural quality as well as the proposed private amenity space is substandard due to it being compromised by the location of an external staircase. Other concerns are also raised by the Planning Officer in relation to residential amenity for future occupants of the proposed development. They also considered that if permitted it would create an undesirable precedent as well as would devalue property in its vicinity. Their report concludes with a recommendation of refusal.

3.2.2. Other Technical Reports

Transportation Planning Division: No objection, subject to standard safeguards. I note that this includes no part of the proposed development will be permitted to overhang, project or extending onto the public domain. It also requires that the public domain abutting the site shall be resurfaced on completion of the construction of the proposed development.

Conservation: The Conservation Officer's report notes:

- This laneway was laid out to afford access to the rear garden of houses rather than ancillary mews building.
- This proposal allows for the retention of seven meters of open garden which is considered essential amenity for the Protected Structure.
- The historic boundary wall is a significant curtilage feature and should be retained to respect the character of the Protected Structure, the streetscape and lane setting. It is therefore requested that a maximum of this historic stone wall be retained and incorporated into the proposed scheme and therefore recommends additional information to deal with this concern.

Engineering: No objection, subject to standard safeguards.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. 4 No. Third Party Observations were received by the Planning Authority during the course of their determination. I have read these submissions, and I consider that the key issues raised correlate with those raised by the Third-Party Observers in this appeal case which are summarised under Section 6 of this report below.

4.0 Planning History

4.1. Site

4.1.1. No recent and/or relevant planning history pertaining to the site.

4.2. Setting

4.2.1. **No. 1A Ormond Road South (Note: c112m to the west of the appeal site and served by the same unnamed lane).**

ABP-305081-19 (P.A. Ref. No. 3043/19)

On appeal to the Board permission was **refused** for a development consisting of the change of use from light industrial to residential of an existing single storey building of 133 square metres, including minor works to the existing building and all associated site works. The single stated reason and consideration reads:

“The lane which is to serve as a vehicular access to the site, is substandard in terms of width and alignment and, as such, would contravene the provision of the Dublin City Development Plan 2016-2022 in relation to mews laneways, which provision is considered to be reasonable. The proposed development by itself and the precedent, which a grant of planning permission would set for other relevant development, would endanger public safety by reason of traffic hazard and obstruction of road users and would therefore be contrary to the proper planning and sustainable development of the area.” Decision Date: 17/12/2019.

- 4.2.2. **No. 1 Annesley Park (Protected Structure), Dublin 6. (Note c26m to the north west of the site with the redline area of the site backing onto the subject unnamed laneway).**

ABP-304085-19 (P.A. Ref. No. 4011/18)

On appeal to the Board permission was **granted** for the demolition of all buildings on the former commercial site to the rear and construction of 20 houses subject to conditions. Decision Date: 04/11/2019.

- 4.2.3. **No. 25, Ormond Road (South Protected Structure), Dublin 6.**

P.A. Ref. No. 2031/18

Planning permission was **refused** for a development consisting of converting and extending an existing single storey detached store at the rear, with associated elevational changes, to form a separate living unit with private open space, and shared access from rear laneway for the reasons including firstly the substandard and out of character with the pattern of development in the area; and secondly, the substandard nature of the lane, traffic hazard and undesirable precedent. Decision Date: 28/02/2018.

5.0 Policy Context

5.1. Local

- 5.1.1. The appeal site is zoned 'Z2' Residential Neighbourhoods (Conservation Area) in the Dublin City Development Plan, 2022-2028. The given objective for 'Z2' lands is '*to protect and / or improve the amenities of residential conservation areas*'.
- 5.1.2. Section 14.7.2 of the Development Plan states that: "*residential conservation areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale*"; "*the overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and non-protected*"; and, "*the general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area*". Additionally, it states that: "*the guiding principle is to enhance the*

architectural quality of the streetscape and the area, and to protect the residential character of the area.”

- 5.1.3. The host property, the adjoining property to the west, the neighbouring properties to the north, south and west are designated Protected Structures under the Development Plans Record of Protected Structures. Section 11.5 of the Development Plan defines such structures as follows: *“any structure or specified part of a structure, which is included in the RPS. Unless otherwise stated, it includes the interior of the structure, the land lying within the curtilage of the structure, any other structures lying within that curtilage and their interiors, and all fixtures and features which form part of the interior or exterior of the above structures. The protection also extends to any features specified as being in the attendant grounds including boundary treatments.”* It also sets out that all external and internal works to: *“protected structures shall be carried out to the highest standards in accordance with the Architectural Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht, 2011)”* and it further refers to said Guidelines for additional guidance.
- 5.1.4. Policy BHA2 of the Development Plan sets out that development will conserve and enhance protected structures from any works that would negatively impact their special character and appearance through to that it will seek to ensure that the form and structural integrity of the protected structure or its curtilage is not adversely impacted from inappropriate development.
- 5.1.5. Chapter 5 of the Development Plan deals with the matter of Quality Housing and Sustainable Neighbourhoods. It includes:
- Policy QHSN6 - Urban Consolidation seeks to promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development, backland development, mews development ... subject to the provision of good quality accommodation.
 - Objective QHSNO4 - Densification of Suburbs seeks to support the ongoing densification of the suburbs and prepare a design guide regarding innovative housing models, designs and solutions for infill development, backland development, mews development, re-use of existing housing stock and best practice for attic conversions.
- 5.1.6. Chapter 15 of the Development Plan sets out the Development Standards for Residential Development. Of relevance:

- Section 15.13.4 - Backland Housing. It sets out that the City Council will allow backland development where the opportunity exists and that backland housing can comprise of mews dwellings with access from a rear laneway or detached habitable dwellings to the rear of existing housing with an independent vehicular access, subject to safeguards.

5.1.7. Section 15.13.5 of the Development Plan deals with the matter of 'Mews' developments and sets out that: "*applications for mews development should consider servicing, including the impact on existing infrastructure such as waste and water systems.*" Of relevance:

- Section - 15.13.5.1 Design and Layout
- Section - 15.13.5.2 Height, Scale and Massing
- Section - 15.13.5.3 Roofs
- Section - 15.13.5.4 Access (Appendix 5 provides further details)

5.1.8. Appendix 5 Section 4.3.8 of the Development Plan deals with access to mews developments.

5.1.9. Section 11.5.3 of the Development Plan provides guidance on Conservation Areas with Policy BHA 9 seeking to protect their special interest and character. This Development Plan policy also states that: "*development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.*"

5.2. Regional

5.2.1. **Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy (RSES), 2019 to 2031.**

5.3. National

5.3.1. Of particular relevance are:

- **Architectural Heritage Protection Guidelines for Planning Authorities**, (2011).
- **Project Ireland 2040 - National Planning Framework (NPF)**, 2018-2040.

- **Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, (2024).**
- **Housing for All – A New Housing Plan for Ireland, 2021.**
- **Rebuilding Ireland – Action Plan for Housing and Homelessness, 2016.**
- **Places for People – the National Policy on Architecture, 2022.**
- **National Sustainable Mobility Policy, 2022.**
- **Climate Action Plan, 2024.**

5.4. Natural Heritage Designations

5.4.1. None within the zone of influence.

5.4.2. The nearest Natura 2000 are South Dublin Bay SAC (Site Code: 000210) and South Dublin Bay & River Tolka Estuary SPA (Site Code: 004024) which are located c3.4km to the east of the site as the bird would fly.

5.5. EIA Screening

5.5.1. See Appendix 1 – EIA Pre-Screening Form attached. Having regard to the nature, scale and extent of the development proposed, the site location within an established built-up suburban area of Dublin City and is served by public infrastructure, the nature of the receiving environment, the existing pattern of residential development in the vicinity, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required in this case.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of appeal can be summarised as follows:

- The Board is requested to overturn the Planning Authority's decision and to permit the proposed development subject to a number of proposed design amendments.

- The design aims to provide a modest new dwelling that is subservient to properties in its residential neighbourhood setting at a location that is well served by public open space, public transport, services, and amenities.
- The design provides good internal light for future occupants.
- No undue residential, visual, or built heritage amenity impacts arise.
- The site benefits from frontage to an adjoining lane and Annesley Park.
- The amended design relocates the bin storage outside of the courtyard.
- Applicable planning provisions and guidance provides flexibility in terms of the provision of private open space on a case-by-case basis.
- The external staircase could be omitted by way of condition.
- Proposal accords with proper planning and sustainable development of the area.

6.2. Planning Authority Response

- 6.2.1. The Planning Authority seek that the Board uphold its decision but if the Board is minded to grant permission request that a number of standard conditions are included.

6.3. Observations

- 6.3.1. The Board received Third Party Observations from:
- Denise Brett.
 - Belgrave Residents' Association.

For the avoidance of repetition, I propose to summarise their submissions as follows:

Built Heritage Impact

- The design of the proposed dwelling is not of sufficient quality for a Protected Structure or for Conservation Area setting.
- The modern design is out of character with its period streetscape.

Residential Amenity

- The proposed development would give rise to undue adverse amenity impacts on properties in its vicinity, in particular by way of overlooking and overshadowing.

- The inverted living arrangements is out of character with its surroundings.
- The private amenity space is substandard for future occupants.
- Private amenity open space standards for apartments and houses are different.

Site Location

- The site is not located in the inner city. Therefore, inner-city residential standards are not applicable to it.

Procedural

- The amended design option seeks to invite a separate negotiation with the Board in respect to the proposed development as lodged and they do not overcome the Planning Authority's reasons for refusal.

Other Matters Arising

- The site is too restricted to accommodate the proposed development.
- Waste management concerns are raised.
- Devaluation of properties in its setting.
- Undesirable precedent.
- The provision of one bicycle space is sufficient.
- Fails to accord with the proper planning and sustainable development of the area.

7.0 Assessment

7.1. Introduction

7.1.1. I am satisfied that the main issues in this appeal case can be dealt with under the following broad headings:

- Amendments Submitted with Appeal Submission
- Principle of the Proposed Development & Compliance with Planning Provisions.
- Built Heritage Impact
- Residential Amenity Impact
- Other Matters Arising

7.1.2. The matter of 'Appropriate Assessment' also requires examination.

7.2. Amendments submitted with Appeal Submission

- 7.2.1. The Appellant as part of their appeal submission proposes a number of amendments to the proposed development as lodged with the Planning Authority. These amendments consist of firstly the retention of substantially more of the period boundaries that address Annesley Park and the unnamed lane. This is in addition to the proposal maintaining the boundary wall that separates the curtilage of No. 31 Ormond Road South from the adjoining rear garden of No. 29 Ormond Road South, a Protected Structure, that together with No. 31 are a semi-detached pair that occupy the north western side of Ormond Road South's junction with Annesley Park. As part of the amended proposal the Appellant also proposes for the historic boundaries that are to be retained to sensitively repair them in a manner that accords with best conservation practices. This includes repointing them with lime and granite sand mortar. Further, the Appellant also provides assurance that these historic boundary walls which would be incorporated into the external façade treatment of the proposed dwelling would be underpinned where necessary and the brick superstructure would be built off them in a manner that would not compromise their integrity.
- 7.2.2. I note that this amendment put forward by the Appellant in their appeal submission arises from the concerns raised by the Planning Authority's Conservation Officer whose report concluded with a request for additional information that sought this change to the proposed development.
- 7.2.3. In relation to this amendment, I consider that despite including later changes to them what survives of the period boundaries are a surviving feature of interest that define the original curtilage of No. 31 Ormond Road South, a Protected Structure. They are consistent with the boundary treatments that characterise this highly coherent Victorian suburban residential setting. Given the corner location of the site and No. 31 Ormond Road South frontage onto three public domains the historic boundary walls that define the red line area of the proposed new subdivision are highly visible features within their streetscape settings. I therefore consider the retention as far as is practical of these historic boundary features given the nature of the design which has the scope to easily incorporate them is an appropriate outcome given that No. 31 Ormond Road South is a Protected Structure, that forms part of the visual curtilage of a number of

Protected Structures as well as forms part of a conservation area. In this regard I consider this amendment accords with the proper planning and sustainable development of such a sensitive to change setting as provided for under applicable local through to national planning provisions and guidance for such sensitive to change situations. Including but not limited to Policy BHA 2 of the Development Plan which under subsection (f) which indicates that the City Council will seek to protect and retain important elements of built heritage including stone walls as part of Protected Structures associated curtilage features where appropriate.

- 7.2.4. At a national level I note it is also consistent with the provisions of the Architectural Heritage Guidelines for Planning Authorities, 2011, which under Section 13.4.1 recognises that features like such surviving boundaries can make an important contribution to the quality and character of the building and the surrounding streetscape or landscape.
- 7.2.5. This I consider is to be the case in the circumstances of this appeal site and setting which as said these period boundary walls relate to a Protected Structure, this Protected Structure forms part of a matching semi-detached pair, it forms part of a coherent group of three such semi-detached pairs also afforded Protected Structure designations, this grouping of Victorian period semi-detached is consistent with the large grouping of similarly coherent semi-detached pairs on the opposite side of Ormond Road South, through to the site forms part of a Conservation Area whose character is defined by its Victorian residential building stock that share a high level of harmony and coherence.
- 7.2.6. I am also cognisant that Section 7.7 of the said Guidelines promote minimum intervention; Section 7.8 encourages respecting alterations of interest and Section 7.9 promotes repairing rather than replacing in such site sensitive circumstances.
- 7.2.7. Moreover, the maintenance of these walls by way of their appropriate repair and integrating with the external principal elevations of the proposed dwelling unit would in my view allow this building to settle in a more sympathetic manner with its surroundings visual setting. This consideration has cognisance of the more contemporary design solution for the proposed modest one bedroom two storey dwelling unit. Alongside the sites visible location at the corner of an unnamed laneway and Annesley Park together with being visible from the junction of Ormond Road

South. These streetscape scenes as said are Victorian in their character including a limited and highly coherent palette of materials for which the contemporary approach seeks to respect by in part the predominant use of brick in the envelope that would be built around the retained historic boundaries.

- 7.2.8. The second amendment proposed by the Appellant in their appeal submission consists of the relocation of the bin storage from the proposed internal ground floor level courtyard to the northern boundary wall of the proposed dwelling unit. This bin storage would be accessed via timber doors from the laneway.
- 7.2.9. In relation to this amendment, I note that the relocated bin store frees up useable private open space amenity in the proposed modest ground floor level courtyard as well as removes from this space what could potentially be a source of noxious odours as well as attract vermin which in such cases would detract from the quality of the courtyard area as functioning amenity space for future occupants. I note that this amendment would not give rise to a loss in the retention of any of the period stone wall on the northern boundary of the site which adjoins the unnamed laneway.
- 7.2.10. As part of the courtyard amendments, the Appellant also suggests that a bicycle could be stored under the undercroft of the external stairs. However, given the concerns raised in terms of qualitative and quantitative private amenity space provision for future occupants the Appellant suggests a willingness to omit the external staircase from the proposed development which it describes as a design feature.
- 7.2.11. Additionally, the design amendments put forward by the Appellant includes increased sized openings in the envelope of the proposed dwelling. The purpose of this amendment is to allow for greater light penetration to its ground and first floor level interior space. It also includes a revised roof form which would result in a 600mm eaves level below that of No. 31 Ormond Road South. I also note that this amendment to the roof form of the proposed dwelling would result in reduced eaves level of 4.7m in terms of the gable ends addressing the street and the back garden of the neighbouring No. 29 Ormond Road South, a Protected Structure.
- 7.2.12. As said the purpose of the above design amendments is to overcome the Planning Authority's concerns in relation to the proposed development.
- 7.2.13. In relation to these amendments, I consider that the application before the Board for adjudication by way of this appeal case is that which was lodged with the Planning

Authority, and I note that during the Planning Authority's determination of this application no additional information was requested. However, the inclusion of amendments to a proposed development is also not an uncommon practice in the appeal process and it is at the Board's discretion whether or not to defer to the revised proposals.

7.2.14. I am of the opinion that the details submitted with the appeal submission put forward comprise of modest qualitative changes to the nature, extent, and scale of the proposed development as lodged. As set out above they include welcome improved outcomes in terms of conserving the period boundary treatments that address Annesley Park and the unnamed laneway which was a particular concern raised by the Planning Authority in their determination of the proposed development, including by their Conservation Officer.

7.2.15. The amendments also give rise to further subservience of the proposed dwelling units built form in what is a built heritage sensitive to change context in a manner that accords with local through to national planning provisions and guidance on such matters. Through to they result in modest improvements to the future residential amenity outcomes for future occupants of the proposed dwelling in terms of private amenity space provision through to light penetration to the interior spaces of the proposed dwelling unit and removal of potential odour as well as vermin nuisances from the modest courtyard amenity space.

7.2.16. At the same time, the amendments also seek to further balance the proposed development towards more positively protecting this built heritage sensitive site and setting as well as reduces potential for undue residential and visual amenity impacts.

7.2.17. Conclusion: Overall, I am satisfied that the amendments give rise to qualitative design improvements and are minor in their nature, extent and scale when compared to the proposed development as lodged. If considered by the Board, they do not in my view require the precaution of new public notices and as such I have no objection to their consideration as part of the assessment of this appeal case.

7.3. Principle of the Proposed Development & Compliance with Planning Provisions

7.3.1. The site forms part of the curtilage of a Protected Structure and is adjoined as well as neighboured by a number of Protected Structures. Additionally, its setting is zoned 'Z2 - Residential Neighbourhoods (Conservation Areas)' purposes under the applicable

Development Plan. The stated objective for such land is: “*to protect and/or improve the amenities of residential conservation areas.*” Additionally, the principle of residential development is deemed to be generally acceptable on ‘Z2’ zoned land. Notwithstanding, this is subject to site appropriate safeguards, including but not limited to demonstrating compliance with relevant policy provisions, standards and requirements as set out in the relevant planning policy provisions, with particular regard to built heritage and residential amenity impact considerations which are of particular concern for any development on this site and setting.

7.3.2. In relation to the proposed development, it consists of the following components:

7.3.2.1 - Demolition:

The proposed development seeks the demolition of an existing single storey outbuilding of a stated 12.6m² as well as ancillary demolition as part of accommodating the proposed dwelling unit to the rear of No. 31 Ormond Road South, a Protected Structure.

Having inspected the site, I consider that this structure is of limited architectural interest outside of its inclusion as part of its external built form subject to the retention and repair of the period boundary walls as indicated in the amended drawings submitted with this appeal submission and subject to standard safeguards to ensure that their structural integrity are not compromised by construction works through to that repairs are carried out in sympathetic manner in accordance with best practices and guidance, in particular those set out under the Architectural Heritage Guidelines.

This, as said, is an approach that is consistent with local through to national planning provisions as well as guidance on such matters which seeks the retention where possible of built features of interest that form part of the curtilage of Protected Structure that positively contribute to the character of the Protected Structure, and are consistent with boundary features of Protected Structures in the vicinity of the site as well as within its Conservation Area setting.

I also consider that nuisances arising from any demolition associated with the proposed development as lodged, or should the Board consider the amended design more appropriate, can in both circumstances be satisfactorily dealt with by way of appropriate worded conditions. Including for example agreement of a Demolition and Construction Management Plan. Such a plan would normally include measures to deal

with noise, dust, and waste management as part of limiting potential adverse impacts on the amenities of residential properties in its vicinity. I further note that demolition and the construction phase of the proposed development, if permitted, would be of a limited duration and that a level of change is to be expected in suburban settings despite the built heritage sensitivity of the location.

7.3.2.2 - Subdivision of No. 31 Ormond Road South:

This proposal seeks the subdivision of the original curtilage of No. 31 Ormond Road South, a Protected Structure. This property forms part of a highly coherent surviving group of three semi-detached pairs that address the northern side of Ormond Road South to the east of its junction with Annesley Park. It also forms part of the Ormond Road South streetscape scene that includes other examples of this Victorian residential building type, layout, and design. The period properties addressing the northern side of Ormond Road South to the west of its junction with Annesley Park and to the west of its junction with Palmerstown Road have rear private amenity spaces that back onto a restricted in width and irregularly aligned service lane.

I concur with the Planning Authority's Conservation Officer that the adjoining unnamed laneway was not designed and laid out to include mews type structures but rather as said provided access to the rear of these properties those semi-private domain was designed to be served by pedestrian access onto the public domain of Ormond Road South.

There is no precedent for mews development to the rear of the period properties that address the northern side of Ormond Road South that No. 31 Ormond Road South forms part of.

I note however that No. 31 Ormond Road South is bound by the carriageway of the unnamed laneway on its northern side but also on its eastern side the public domain of Annesley Park from which this proposal seeks to provide a new pedestrian entrance onto to serve the proposed independent site that the dwelling unit would occupy. The properties bounding the southern side of this unnamed lane between its spurs with laneways that provide connection to Killeen Road and to the rear of No. 1A Ormond Road South to Ormond Road South are not subdivided for the purposes of providing a plot for an independent dwelling unit.

The exception in terms of subdivision of these historic plots is to the rear of No. 1 Ormond Road South which at some point in time was subdivided for the provision of a commercial use building (Note: No. 1A Ormond Road South).

In relation to No. 1A Ormond Road South I note that the Board under appeal case ABP-305081-19 refused planning permission for the change of use from light industrial to residential (See: Section 4.2.1 of this report above). The Board considered this appeal case under the provisions of the previous Development Plan. Its reasons and considerations in summary determined that the laneway to serve this proposed development was substandard in its width and alignment in relation to mews laneways. It also raised concerns in relation to the precedent the proposed development would give rise to and considered that it would endanger public safety by reason of traffic hazard as well as obstruction of road users.

I also note that c17.2m to the west of the appeal site that the Planning Authority refused permission to the rear of No. 25 Ormond Road South, a Protected Structure, for the conversion and extension of an existing single storey detached store with shared access from rear laneway under P.A. Ref. No. 2031/18 (See: Section 4.3.1 of this report above). The two reasons for refusal included reasons of lack of car parking provision, creation of an undesirable precedent, substandard pattern of development, adverse amenity impacts through to substandard nature of the laneway and traffic hazard.

Further in relation to the 20 dwelling units that was permitted on appeal to the Board under ABP-304085-19 (See: Section 4.2.2 of this report above) which has now been implemented this site at No. 1 Annesley Park, a Protected Structure, whilst including limited pedestrian access onto the unnamed laneway did not include vehicle access on it nor generate any additional refuse collection from it. I also note that considerable time has past since the Board determined this application and that each of these planning history cases gave rise to their own unique site merits and constraints.

Additionally, in the intervening time local through to national planning policy provisions have significant evolved since the above applications were determined. With this including but not limited to more robust requirements for residential development, including considerations for developments with frontage onto historic service laneways and which have potential to give rise to built heritage impacts.

Also as said this appeal site benefits from frontage onto Annesley Park a period residential streetscape scene containing an established pattern of dwellings accessed via pedestrian accesses onto its public domain. This is not the case with the properties bounding the unnamed laneway to the west of the site which are solely bounding the substandard unnamed laneway.

I am also cognisant that the applicable Development Plan, in a manner that accords with regional and national planning provisions as well as guidance support compact and consolidated residential development at appropriate serviced locations including brownfield and sites that form part of existing residential plots, subject to safeguards. This for example is provided for under Chapter 2 of the Development Plan which sets out the Core Strategy, including Section 2.3, 2.7.2 and Objective CSO7 which sets out that it is an objective of the City Council to promote the delivery of residential development and compact growth through active land management measures and a co-ordinated approach to developing appropriately zoned lands.

It is further promoted under Chapter 5 of the Development Plan. With Section 5.5.2 stating that the City Council will seek: *“to promote compact growth and sustainable densities through the consolidation and intensification of infill and brownfield lands in the city, it will be the policy of the City Council to achieve greater intensity in suburban areas through infill development, backland development, mews development and re-use of existing housing stock”* and this approach reiterated in Policy QHSN6 of the Development Plan.

Conclusion: Given the above I consider that whilst the principle of urban consolidation and compact residential development is supported this is subject to safeguards including but not limited to those applicable to such a built heritage sensitive location.

7.3.2.3 – Construction of a Dwelling Unit

The main component of this application is permission for the construction of 61m² one bedroom two storey dwelling house to the rear most part of the private amenity space of No. 31 Ormond Road South, a Protected Structure.

I have already commented upon the amendments put forward to this proposal from that lodged with the Planning Authority in terms of it giving rise to an improved outcome for the Protected Structure as it now proposes to retain substantially more of the period boundary walls adjoining Annesley Park and the unnamed name, in terms of the

potential impact of the proposed dwelling unit on the Protected Structure I propose to deal with separately under the broad heading of built heritage below. As such this section examines the proposed dwelling unit, the residential amenities for future occupants and the residential amenity of the host dwelling against relevant planning provisions.

Plot Ratio & Site Coverage: Appendix 3 of the Development under Table 2 sets out an indicative plot ratio for Conservation Areas as 1.5-2.0 and indicative site coverage of between 45-50%. The proposed development has a stated plot ratio of 1.05 and a site coverage of 83.4% as lodged and as amended in the appeal submission. Appendix 3 indicates that a higher site coverage may be permitted in certain circumstances such as:

- Adjoining major public transport corridors, where an appropriate mix of residential and commercial uses is proposed.
- To facilitate comprehensive re-development in areas in need of urban renewal.
- To maintain existing streetscape profiles.
- Where a site already has the benefit of a higher plot ratio.
- To facilitate the strategic role of significant institution/employers such as hospitals.

Having regard to the site whilst I note that the site forms part of an established suburban area of south Dublin city where there is a mixture of existing amenities, services, and facilities. With this including the site being located c400m by foot to Beechwood Green Line Luas Tram Stop. It does not adjoin a major public transport corridor where a mix of residential and commercial uses are proposed or exist. Further, the site forms part of an attractive Victorian designed and laid out residential setting which the proposed development is not necessary to or would form part of any need for urban renewal of what is recognised by way of the specific protection placed on the site and its urban landscape setting. In this regard, I note that there is no co-ordinated vision or masterplan agreed with any relevant parties with an interest to the unnamed lane for its redevelopment and transformation from a service lane into a future mews lane. Moreover, the pattern of development in this location is not one that could be considered to have a characteristically high plot ratio or site coverage. Through to the

higher site coverage proposed as part of this development would not, if permitted, facilitate the strategic role of a significant institution or employer.

Conclusion: Based on the above considerations I raise a concern that the proposed 83.4% site coverage represents overdevelopment of this restricted in area site and is at odds with the pattern of development within the site's residential conservation area setting which includes several Protected Structures in the vicinity, including the host dwelling.

Density: The proposed development as lodged and as amended has a site-specific density of 69.7 dwelling units per hectare. This is a density that is not reflective of this Victorian in design and laid out residential setting. I also note that it exceeds the density of development permitted by the Board under ABP-304085-19 (Note: Density of 40 dwelling units per hectare).

Section 15.5.5 of the Development Plan sets out that the City Council will support higher density development in appropriate urban locations in accordance with the NPF, RSES and the Section 28 Guidelines. It also sets out that all proposals for higher densities must demonstrate how the proposal contributes to place-making and the identity of an area through to facilitate the creation of sustainable neighbourhoods.

Further guidance on this matter is provided under Appendix 3 of the Development Plan. Appendix 3 requires all proposals with significant increased density over the existing prevailing context to demonstrate full compliance with the performance criteria set out in Table 3. With the density of this proposed development at odds with that of its period suburban setting. The following examines density against the performance criteria set out under Table 3 of Appendix 3 of the Development Plan which also is used to examine height and scale of proposals. This is on the basis that the proposed two storey height of the proposed dwelling unit is not at odds with the pattern of development that characterises the site's setting, a setting that is predominated by single and two-storey built forms. Additionally, on the topic of scale of the proposed dwelling unit in terms of the size and proportions of its built form is a subservient two storey structure. Though reflecting a more of its time architectural design and layout it is not inconsistent with its setting as a new building layer. Nor is it inconsistent with the wider suburban setting where new dwelling units through to alterations and additions to existing historic building stock has been permitted.

Table 1: An examination of Table 3 of Appendix 3 of the Development Plan

	Objective:	Objective Performance Criteria in Assessing Proposals for Enhanced Height, <u>Density</u> and Scale
1.	<i>To promote development with a sense of place and character</i>	<p>I consider that the enhanced density of the proposed development conforms with Objective 1 by way of:</p> <p>Its distinctive design that is more of its time but integrates within its external façade treatment period boundary wall features that are part of No. 31 Ormond Road South, a Protected Structure, this allows the proposed dwelling to harmonise with the restricted palette of materials in its period streetscape scene.</p> <p>The proposed development, as lodged and as amended, is proposed to be subservient in its height, mass and scale relative to the host dwelling and properties in its vicinity.</p> <p>Moreover, the main new external façade treatment visible from the public domain and the domain of properties in its vicinity is brick. A material that is characteristic with principal façade treatments in the area.</p> <p>The inclusion of more contemporary finishes and treatments in part allows the design approach to be appreciated as a new building layer of its time as appreciated in its visual setting, including from the public domain. Thus, differentiating it as new building layer of its time.</p>
2.	<i>To provide appropriate legibility</i>	<p>I consider that the enhanced density of the proposed development conforms with Objective 2 by way of:</p> <p>As set out in response to Objective 1, I consider the of its time architectural design response, the subservient built form through to introducing new sympathetic external material, finishes and treatments but incorporating brick as the main external finish provides appropriate legibility to its site and streetscape setting.</p>
3.	<i>To provide appropriate continuity and enclosure of streets and spaces</i>	<p>I consider that the enhanced density of the proposed development conforms with Objective 3 by way of:</p>

		<p>The proposed development positions the new dwelling unit where the Annesley Park and lane side boundaries can be reinforced by utilising them as part of the proposed dwellings building line.</p> <p>The modest 2-storey height where it meets the public domain edge is of a scale that provides enclosure without undue overbearing containment. The main window openings address the public realm and therefore would enhance passive surveillance.</p> <p>The proposed dwelling unit is a human scale and does not exceed the building to lane street height as well as is consistent with property on the opposite side of the lane, i.e. No. 3 Annesley Park.</p>
4.	<i>To provide well connected, high quality and active public and communal spaces</i>	<p>I consider that the enhanced density of the proposed development conforms with Objective 4 by way of:</p> <p>As discussed above, the retention of the physical boundary lines of the Protected Structures curtilage, the integration of most of the surviving boundary wall adjoining Annesley Park and the unnamed lane side together with main external façade treatment of the proposed dwelling unit consisting of brick is an appropriate response to the visual amenities to a built heritage sensitive to change location.</p> <p>The removal of a vehicle size entrance onto the unnamed substandard in width, alignment, and condition laneway at its junction with Annesley Park gives rise to improved safety for its users.</p> <p>It also removes a feature that diminishes its visual setting, in particular the streetscape scene of Annesley Park.</p>
5.	<i>To provide high quality, attractive and useable private spaces</i>	<p><u>I am not satisfied that the enhanced density through to scale of the proposed development conforms with Objective 5 on the basis of the following:</u></p> <p>I am not satisfied that the proposed private amenity open space is one that could be considered of high quality, attractive and useable for future occupants of the proposed</p>

		dwelling. As such I consider this matter requires further detailed examination.
6.	<i>To promote mix of use and diversity of activities</i>	<p>I consider that the enhanced density of the proposed development conforms with Objective 6 by way of:</p> <p>This development would add to housing typologies in this residential suburban setting by way of providing a one-bedroom dwelling which is a type of unit that is not characteristic of housing stock surrounding it.</p>
7.	<i>To ensure high quality and environmentally sustainable buildings</i>	<p>I consider that the enhanced density of the proposed development conforms with Objective 7 by way of:</p> <p>The proposed dwelling unit is modulated and orientated so as to maximise access to natural daylight, ventilation, privacy, noise, and views, alongside to minimise overshadowing and overlooking of properties in its vicinity. Subject to standard safeguards, if permitted, this development would be required to be consistent with required local through to national Climate Mitigation Actions for the Built Environment. This I note is a requirement of Policy CA8 of the Development Plan.</p> <p>As a precaution I also note that as the proposed development does not exceed the threshold of 30 dwelling units a Climate Action and Energy Statement in accordance with Section 15.7.3 of the Development Plan is not required.</p>
8.	<i>To secure sustainable density, intensity at locations of high accessibility</i>	<p>I consider that the enhanced density of the proposed development conforms with Objective 8 by way of:</p> <p>The site is located c400m by foot to a Luas Green Line Stop and there are a number of Dublin Bus Stops within 1km of the site. As such the proposed development would enhance the density in this accessible location which in turn would alongside other cumulative residential development on brownfield/infill and other type sites in the location give rise to further efficiencies in scale for the provision of such public transport services. The site is also accessible to schools, services, amenities, and</p>

		other land uses synergistic to residential development.
9.	<i>To protect historic environments from insensitive development</i>	<p>I consider that the enhanced density of the proposed development conforms with Objective 9 by way of:</p> <p>The amended design includes retaining and integrating larger sections of surviving period boundary walls.</p> <p>Additionally, the proposed dwelling unit is subservient in its overall built form in comparison to the host dwelling of No. 31 Ormond Road South, the adjoining and neighbouring Ormond Road South properties as well as the neighbouring property to the north No. 33 Annesley Park, all afforded protection as designated Protected Structures under the Development Plan.</p> <p>The proposed dwelling unit is also subservient to other residential properties in its visual setting that form part of a zoned Residential Conservation Area under the Development Plan.</p> <p>To the rear of properties that have frontage onto the southern side of the unnamed laneway there are a variety of <i>ad hoc</i> single storey and two storey additions as well as separate single storey outbuildings.</p> <p>Views towards the rear of adjoining and neighbouring Protected Structures in the immediate vicinity would be partially obscured by the proposed dwelling unit.</p> <p>The provision of a qualitative structure at the junction of the unnamed laneway and Annesley Park has the potential to provide a focal building at this junction and together with the existing property of No. 33 Annesley Park could provide visual containment of this lane as viewed from the public domain of Annesley Park.</p> <p>It would remove the unsympathetic tall solid gate which is visually incongruous with its residential conservation area setting, particularly when viewed as part of the streetscape scene of Annesley Park.</p>

10.	<i>To ensure appropriate management and maintenance</i>	<p>I consider that the enhanced density of the proposed development conforms with Objective 10 by way of:</p> <p>The amended design puts forward improved waste management for what is a single dwelling unit that would not be taken in charge. The external envelope is one that has been designed to minimise future upkeep.</p>
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Having regard to the above I consider that the density of the proposed development is generally consistent with nine out of the ten objective performance criteria of Appendix 3 of the Development Plan.

In relation to national planning provisions, I note that Table 3.1 of the Sustainable and Compact Guidelines for Planning Authorities sets out density ranges for Dublin city suburbs. Given the location of the site in the city suburb of Ranelagh I consider it reasonable to consider that it falls under the category of ‘City - Urban Neighbourhoods’ as opposed to ‘City - Suburban/Urban Extension Suburban areas’. The latter category being described under Table 3.1 as having: *“lower density car-orientated residential suburbs constructed at the edge of cities in the latter half of the 20th and early 21st century”* through to an: *“urban extension refers to the greenfield lands at the edge of the existing built up footprint that are zoned for residential or mixed-use (including residential) development”*. Whereas Table 3.1 defines the ‘City - Urban Neighbourhoods’ category to include: *“(i) the compact medium density residential neighbourhoods around the city centre that have evolved overtime.”* It also considers this an accessible urban locations with good access to employment, education and institutional uses and public transport. This I consider to be the case in relation to the site and its setting.

In such areas it provides for residential densities in the range 50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin. The density of the proposed development as noted above is not inconsistent with the said Guidelines.

Conclusion: While I accept that the density of the proposed development is a significant departure from the pattern of development in its setting, notwithstanding, it is not inconsistent with many of the performance criteria set out under Appendix 3 of the Development Plan as well as under Table 3.1 of the Sustainable and Compact Guidelines. Further, it is not inconsistent with the local through to national planning

provisions that channel future residential development onto existing serviced lands including sites already accommodating residential development, subject to safeguards. I am of the opinion that the density of the proposed development by itself is not sufficient to warrant a refusal of permission for the development sought under this application as lodged or as amended.

Private Open Space Amenity: Concerns are raised by the Planning Authority in their given reason for refusal that the quantity and quality of private open space amenity to serve the proposed dwelling unit is substandard in quality and quantity for future occupants. This concern is also reiterated by Third Party Observers and the Planning Authority in their response to the grounds of appeal, which I note makes no comment on the design amendments proposed by the Appellant in their appeal submission, request that the Board uphold its decision.

On this matter I note that Section 15.11.3 of the Development Plan on the matter of private open space for houses indicates that this provision is usually provided by way of private gardens to the rear of a house. It states that: *“a minimum standard of 10 sq. m. of private open space per bedspace will normally be applied”* and provides clarity that: *“a single bedroom represents one bedspace and a double bedroom represents two bedspaces”*. It further states that: *“generally, up to 60-70 sq. m. of rear garden area is considered sufficient for houses in the city. In relation to proposals for house(s) within the inner city, a standard of 5– 8 sq. m. of private open space per bedspace will normally be applied”*.

This section of the Development Plan also indicates that these standards may be relaxed on a case-by-case basis subject to a qualitative analysis of the development.

The proposed dwelling as said is a one-bedroom dwelling unit with this bedroom being indicated as accommodating a double bedroom. This is the case in both the proposed development as lodged and as amended.

The documents provided indicate that the ground level courtyard which would provide access to the dwelling unit, an external stairs and storage for bin, bicycle and waste has a stated area of 7m². Additional outdoor amenity space is proposed by way of a first-floor level easterly facing terrace of a given 3.3m². Whilst this terrace would provide welcome additional outdoor space amenity and would also provide for greater levels of light penetration to the upstairs living space this space is not one that could

be considered as a private open space amenity given that as a functional space it would be highly visible from the public domain of Annesley Park and would also be visible from the junction of Annesley Park and Ormond Road South.

Of further concern given the positioning, orientation, overall design that includes an external staircase as a permanent design feature structure through to relationship of the courtyard with physical structures that would contain it. As a space it is likely that it would be a space that would in terms of its useability and functioning be impaired by overshadowing for significant portions of the day throughout the year. On this point I note that the documentation provided with this application as lodged and as amended do not demonstrate that this would not be the case. I also do not consider that this site is one that could be reasoned to be located within the inner city of Dublin where a more reduced private open space standard per bedspace is provided for under the Development Plan.

Whilst the amended design measures included with the appeal submission provides for a level of qualitative and quantitative improvement by way of relocating the bin storage outside of the courtyard area. It also indicates a willingness to omit the external staircase. However, the remaining private open space amenity in the form of the courtyard proposed, would as said accommodate the sole means of access to the dwelling unit and would be where any outdoor bicycle storage would also be located. This space is significantly below the minimum 20m² applied to a dwelling unit with two bedspaces, at just below the 10m² area if for example the external staircase was to be omitted.

Of further note Section 15.13.4 of the Development Plan which deals with backland housing and defines such: *“development of land that lies to the rear of an existing property or building line.”* It sets out that proposals for this type of development should consider compliance with relevant residential design standards including private open space and so forth.

It also sets out that a proposed backland dwelling shall be located not less than 15 metres from the rear façade of the existing dwelling and with a minimum rear garden depth of 7 metres. This has not been demonstrated. With I note the proposed dwelling being located a measured c6.9m from the rear façade of No. 31 Ormond Road South, a Protected Structure, which includes as part of the original design a rear return and

with the proposed dwelling unit not demonstrating a minimum garden depth of 7m. This is the case in terms of the proposed development as lodged and as amended by the Appellant in their appeal submission.

In relation to the Development Plan's provisions for mews developments it is also of note that Section 15.13.5.1 in terms of the design and layout states that: "*private open space shall be provided to the rear of the mews building to provide for adequate amenity space for both the original and proposed dwelling*" as part of providing quality residential environment.

I am also of the view that whilst the Development Plan provides that private open space standards may be relaxed on a case-by-case basis subject to a qualitative analysis of the development I am not convinced that the modest courtyard area provides sufficient qualitative active or passive private amenity space for future occupants even if the external staircase were to be omitted.

On the basis of the above I am not satisfied that the applicant has demonstrated that the private open space proposed for the dwelling unit and the host dwelling at 58m² accords with the Development Plan standards.

Having regard to national planning provisions, the Planning Authority, and the Appellant both refer to the Sustainable and Compact Settlement Guidelines in terms of its provisions for private open space for houses.

In this regard I note that Section 5.3.2 is of relevance. It states that: "*well-designed private open space forms an integral part of houses and is essential for health and wellbeing*" and that: "*a more graduated and flexible approach that supports the development of compact housing and takes account of the value of well-designed private and semi-private open space should be applied.*"

Under SPPR 2 it sets out the standard of 20m² for a 1 bed house. Like the Development Plan it provides for a measure in flexibility in applying this minimum standard stating that: "*further reduction below the minimum standard may be considered acceptable where an equivalent amount of high quality semi-private open space is provided in lieu of the private open space, subject to at least 50 percent of the area being provided as private open space (see Table 5.1 below). The planning authority should be satisfied that the compensatory semi-private open space will*

provide a high standard of amenity for all users and that it is well integrated and accessible to the housing units it serves.”

It also states that for: “urban infill schemes on smaller sites (e.g. sites of up to 0.25ha) the private open space standard may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and proximity to public open space”.

In all cases, it sets out that the obligation will be on the project proposer to demonstrate to the satisfaction of the Planning Authority or An Bord Pleanála that residents will enjoy a high standard of amenity.

In this case, the proposed dwelling unit does not include within its design a semi-private open space provision. It does include a first-floor terrace that would provide an additional c3.3m² of additional outdoor amenity space for future occupants. This terrace would as a result of its design and orientation achieve good daylight levels during morning to early afternoon given its easterly orientation and its relationship with the proposed dwelling structure and the host dwelling. Notwithstanding, I consider that this in itself is not sufficient to overcome the substandard quantitative and qualitative private open space provision for future occupants of the proposed dwelling unit. Alongside the immediate surrounding suburban setting is not one that includes a within easy reach communal passive and active open space amenity provision.

Conclusion: On the basis of the above I am not satisfied that it has been demonstrated that the design of the proposed two storey two bedspace house includes an adequate provision of qualitative and quantitative private open space for its future occupants in a manner that would accord with the proper planning and sustainable development of the area.

Car Parking and Access: The proposed two storey two bedspace dwelling proposed under this application would be accessed from a pedestrian access onto the adjoining public footpath of Annesley Park. At the point of access this footpath has a measured width of c1.8m and it is located in close proximity to the south of an unnamed laneway’s junction with Annesley Park which is located c29m to the north of Annesley Park’s junction with Ormond Road South.

The amended scheme proposes to retain significantly more of the roadside boundary with Annesley Park which adjoins this laneway as well as the lane side boundary. Subject to safeguards the Planning Authority, in particular their Transportation

Planning Division, raised no objection to the provision of a pedestrian access at this location and to the proposed development in general subject to standard safeguards.

I also note that the Planning Authority's Transportation Planning Division were also satisfied that the proposed development would not give rise to any undue oversailing and/or encroachment of the site's adjoining public domain and it was further satisfied that given the site's proximity to the Green Line Luas, the on-street parking controls through to the lack of vehicle access proposed that the lack of car parking provision in this instance would not give rise to any substantive concerns.

In relation to the above I note that the amendments proposed by the Appellant as part of their appeal submission would result in less impact during the construction period on the public domain of the unnamed lane and Annesley Park given that it includes more substantial retention of the existing perimeter boundary treatment. I also note that the proximity of the proposed dwelling through to the interventions to the remaining period boundary wall are not likely to give rise to any adverse impact on the root zone of the street tree located to the south of the proposed pedestrian access serving the dwelling unit. Notwithstanding, should the Board be minded to grant permission it may consider as a precaution that measures be put in place as part of an appropriately worded condition that requires agreement of a Construction Management Plan that can address and agree with the Planning Authority such matters prior to the commencement of any development on site.

In relation to the car parking provision for the proposed dwelling and the host dwelling it would appear that the host dwelling via the existing gate has vehicle access to the rear of it. There is no car parking space proposed on site for the proposed dwelling or the host dwelling.

The Development Plan sets out a maximum requirement car parking standard for Zone 2 lands as 1 space per dwelling. However, Section 4 of Appendix 5 of the Development Plan, provides for a relaxation of the maximum car parking standards for any site in Zone 2 for any site located within an accessible location. In this regard the site is located less than 500m from a Green Line Luas Stop. This has 10-minute frequency service and there is also a number of Dublin Bus Routes that run within 1km radius of the site.

Additionally at the time of inspection I observed available spaces within the surrounding publicly provided on-street car parking space provision. Though it is likely that these spaces are in high demand given the design and laid out of this residential suburban area.

In this case I concur with the Planning Authority that the proposed development is located where there is good accessibility to public transport, with the Luas in particular providing a high frequency of service as well as connection to key transport nodes and hubs through to employment, educational, health, retail and other synergistic land uses within the surrounding as well as wider metropolitan area.

I also consider that the proposed development would remove a vehicle access at a point where the unnamed lane is substandard, where the substandard laneway meets its junction with Annesley Park and where vehicle movements associated with it have the potential to give rise to conflict with other road users, including vulnerable road users. As such the proposed development would potentially give rise to safer and less hazardous environment for users of the public domain and public road network in the vicinity of the site.

Moreover, I consider that the potential traffic generation of the proposed additional one-bedroom dwelling when taken together with the host dwelling outside of the construction phase, if it were permitted, would not place a significant additional burden on the public parking provision in its vicinity or give rise to any undue road safety issue or road hazard. As said should the Board be minded to grant permission the details to be agreed as part of a Construction Management Plan would include the management of vehicle movements and parking generated during this phase of the proposed development.

My final comment relates to Section 5.3.4 of the Sustainable and Compact Settlement Guidelines. It indicates that: *“in order to meet the targets set out in the National Sustainable Mobility Policy 2022 and in the Climate Action Plan 2023 for reduced private car travel it will be necessary to apply a graduated approach to the management of car parking within new residential development”*. I note that the Climate Action Plan 2023 is superseded by the Climate Action Plan 2024 which similar advocates a directional shift away from private car dependent development as part of managing new development. These Guidelines also advocate that car parking in urban

locations should be: “*minimised, substantially reduced or wholly eliminated at locations that have good access to urban services and to public transport.*” Moreover, this is further reiterated under SPPR 3, having regard to Table 3.8, for urban neighbourhoods in Dublin city where it sets out that the maximum rate of car parking, shall be 1 no. space per dwelling, subject to such provision being demonstrated to the satisfaction of the Planning Authority.

Conclusion: On the basis of the above I concur with the Planning Authority that the proposed development is acceptable in terms of car parking provision and access.

Daylight/Natural Ventilation: Should the Board be minded to grant permission I recommend that the amendments to the solid to void treatment of the proposed dwelling unit be imposed by way of condition. The increased height and dimensions of openings proposed by way of amendments to the proposed development as lodged would give rise to improved daylight/sunlight penetration and would also allow for improved ventilation for future occupants without giving rise to any undue additional diminishment of residential amenity of properties in its vicinity by way of overlooking.

Dwelling Mix: The proposed development, if permitted, is a modest two bed space dwelling house that would sit on a restricted in area independent plot of 58m². As previously discussed, if permitted, it would add to the residential mix in a suburban location characterised by larger suburban terrace and semi-detached dwellings though dating primarily to the Victorian period were designed to contain larger bed space provisions for their occupants.

Internal Spatial Arrangement: I am satisfied that the internal spatial arrangement of the proposed dwelling unit is generally consistent with local and national spatial standards for this type of dwelling unit outside of the concerns already noted above.

Bicycle Parking Space: There is no independent parking space for one bicycle provided in the design and layout of the proposed dwelling as lodged or as amended. Though it is accepted that bicycle parking could be accommodated in the courtyard area. However, this would further compromise the quality and quantity of private open space proposed to serve future occupants of the proposed dwelling. Given that this dwelling unit provides zero car parking the provision of one bicycle parking space provision would be consistent with the requirements of the Development Plan (Note: 15.13.1.4 and Appendix 5).

Services: I concur with the Planning Authority that on the basis of the information provided there is no substantive issues arising in terms of servicing the proposed dwelling unit were it to be permitted, subject to standard safeguards, including those that deal with the matter of surface water drainage.

- 7.3.3. Conclusion: Having regards to the above I concur with the concerns raised by the Planning Authority in their given reason for refusal with regards to the substandard provision of private open space for future occupants on this restricted sensitive to change site and context. I consider this concern in itself is substantive in its own right to support refusal of permission for the development sought under this application as lodged and as amended.

7.4. Built Heritage Impact

- 7.4.1. As previously noted in my assessment above this appeal site forms part of the curtilage of a Protected Structure, it is adjoined and neighboured by Protected Structures as well as forms part of a Residential Conservation Area. Therefore, any development at such a built heritage sensitive to change setting should demonstrate that no undue adverse built heritage impact would arise were it to be permitted.
- 7.4.2. The proposed development seeks to subdivide the original curtilage of No. 31 Ormond Road. There is no precedent for such a subdivision in the group of semi-detached period dwellings that it forms part of and as said there is a Board precedent for the refusal of a dwelling unit to the rear of No. 1A Ormond Road South. Notwithstanding there is a pattern of ancillary outbuilding/garage structures to the rear of period dwellings to the west of the site. With properties to the west of the site having access to them and the rear of their properties via the unnamed laneway.
- 7.4.3. The proposed development does not include any alterations or additions to the host dwelling of No. 31 Ormond Quay South outside of the subdivision of its original curtilage and the demolition of an existing outbuilding as well as partial demolition of its rear boundaries which form part of its curtilage. These works are required to facilitate the creation of an independent plot for the proposed dwelling unit located on its northern most portion of its curtilage that bounds with the unnamed laneway.
- 7.4.4. As already discussed I concur with the Planning Authority's Conservation Officer that the scope of demolition as sought with the proposed development as lodged is not acceptable on the basis that it would give rise to the unnecessary loss of period built

fabric of interest associated with the Protected Structure of No. 31 Ormond Road South and loss of built fabric of interest that positively contributes to its setting, the setting of other Protected Structures in its vicinity and the Residential Conservation Area setting it forms part of. For these reasons, this component of the proposed development as lodged would be contrary to Policy BHA 2 of the Development Plan which seeks to protect Protected Structures, their built integrity, and features of interest from an inappropriate development. Similarly, it would be contrary to Policy BHA 9 and 10 of the Development Plan which seeks to protect Residential Conservation Areas from inappropriate developments and sets out a presumption against the demolition of structures that positively contribute to their character.

- 7.4.5. I consider that this concern is overcome by the Appellants proposed amendments submitted with their appeal submission which now propose the more substantial retention of these boundary treatments and therefore should the Board be minded to grant permission I recommend that it includes this amendment so that the proposed development accords with the provisions of Policy BHA2, BHA9 and BHA10 of the Development Plan.
- 7.4.6. The existing outbuilding which has a pitched shaped roof over is located within the north westernmost corner of the site. It has a modest floor area of 12.6m² and the accompanying drawings indicate that it has as a maximum ridge height of 3.58m and a 2.25 eaves height. With the boundary between the rear of No. 31 Ormond Road South and No. 29 Ormond Road South having a variable height but for the most part appears to have a height of 1.82m. This boundary consists of a period stone that is highly intact and is likely to form part of the original boundary treatments between No. 31 Ormond Road South and No. 29 Ormond Road South, both afforded Protected Structure designations.
- 7.4.7. To the rear of No. 31 and 29 Ormond Road South there are a part three and part two storey rear return. It is proposed to setback the proposed dwelling c6.9 to 7m from this rear return. I also note that No. 29 Ormond Road South includes a deeper rear projection than that present at No. 31 Ormond Road South as a result of an additional single storey later addition.
- 7.4.8. The proposed dwelling as lodged has an augmented in shape roof profile over. With this including a chimney that projects above the tallest component of the roof structure

which has an overall height of 6.2m at its highest point. The eaves level drop in the vicinity of the unnamed lane to 5.19m down to 4.58m in proximity to the rear lane side boundary of No. 29 Ormond Road South. Addressing the rear of No. 31 and 29 Ormond Road South the eaves level drop to 5.19m.

7.4.9. In relation to eaves height of the three storeys return of No. 31 and 29 Ormond Road South it is indicated that these have an eaves height of 7.78m and a ridge height of 9.64m. With in the case of No. 31 Ormond Road South the two-storey rear return having a rear eaves height of 5.32m.

7.4.10. In the context of No. 31 and 29 Ormond Road South, despite the concerns already raised in relation to the lateral separation distance not meeting the Development Plan standards for the nature of the development sought I consider that the overall built form, in particular its height, is subservient to both No. 31 and 29 Ormond Road South. Relative to the neighbouring Protected Structure on the opposite side of the unnamed laneway, i.e. No. 33 Annesley Park, the ridge height of the proposed dwelling is of a similar ridge height to this existing period property and has a slightly higher eaves level relative to its principal façade. No. 33 Annesley Park is also afforded protection by way of its designation as a Protected Structure.

7.4.11. The amendments put forward as part of the Appellants appeal submission include a modest adjustment of the ridge line of the proposed dwelling in order for lower eaves heights of 4.7m above ground floor level at their lowest point. It is indicated that this achieves a 600mm difference from the extension to the rear of No. 31 Ormond Road South and would result in positive effect in terms of the scale of the gable ends that overlook the street and the back garden of No. 29 Ormond Road South. I concur with this contention.

7.4.12. Conclusion:

Should the Board be minded to grant permission whilst this amendment does not overcome in my view the minimal lateral separation between the proposed dwelling and the rear of the host dwelling and its adjoining semi-detached pair. Notwithstanding it results in further subservience of the proposed development with its host dwelling, a Protected Structure, the adjoining Protected Structure of No. 29 Ormond Road South, and development that has occurred on the southern side of the unnamed laneway to

the west of the site. This development is characterised by modest single storey ancillary structures.

Further, on the basis of the above, should the Board be minded to grant permission, I recommend that it include the revisions that include the substantial retention of the period boundary treatments and their careful repair as part of the external envelope of the proposed dwelling. This in my view would help the proposed dwelling, if implemented, achieve a sense of place that would positively contribute to it harmonising with its period in character streetscape scene.

I also consider that the palette of material should be subject to prior agreement with the Planning Authority. With the purpose of this to ensure that the external expression of the proposed dwelling can sit and age sympathetically with the Protected Structures that form part of its immediate visual setting, including but not limited to No.s 29 and 31 Ormond Road South and No. 33 Annesley Park, together with its residential conservation area streetscape scene. Subject to these safeguards I am satisfied that the proposed development, subject to the amendments discussed would be consistent with Policy BHA 2, BHA 9 and 10 of the Development Plan.

7.5. Residential Amenity Impact

- 7.5.1. The Third-Party Observers raise concerns that the proposed development as lodged and as amended would give rise to undue residential amenity diminishment. Particularly by way of overlooking and overshadowing. The Appellant in their appeal submission to the Board do not accept that this would be the case. Additionally, the Planning Authority in their reason for refusal whilst raising residential amenity concerns for future occupants outside of the matter of devaluation of property value in the vicinity did not raise any other substantive residential amenity concerns arising from the proposed development.
- 7.5.2. In relation to the proposed developments potential for overlooking there would be some level of overlooking arising to the rear of the host dwelling by way of the solid to void design which includes first floor level window openings, the potential for oblique views from the first floor level terrace and from use of the proposed external staircase. The latter could be addressed by improved mitigation like the provision of opaque glazing along part of the southern boundary between the proposed and host dwelling. I am not convinced that the proposed development would give rise to any undue

overlooking of other properties in its vicinity by way of the designs which limits voids at first floor levels of its southern and western elevations.

- 7.5.3. The remainder of the first-floor level voids address the public domain and the semi-private front garden area as well as side elevation of No. 33 Annesley Park. There is also a level of overlooking arising from above ground floor level of properties within the setting of the site.
- 7.5.4. Given the locational context of the site, the orientation of existing and proposed development, together with the design rationale proposed, I consider that whilst there would be a change of context for properties in its vicinity, the matter of resulting overlooking would not be so great as to warrant a refusal of permission. Given the urban location of the site, a certain degree of overlooking is to be anticipated and I am satisfied that impacts on privacy would not be so great as to warrant a refusal of permission.
- 7.5.5. In relation to the matter of overshadowing, I am not satisfied that the Third-Party Observers have demonstrated that the resulting overshadowing that would arise from the proposed development would be significant given the urban location of the site where a level of overshadowing and change is to be anticipated. With local through to national planning provisions seeking more efficient use of serviced residentially zoned land, in particular at accessible, serviced with access to facilities, amenities and other synergistic to residential use locations like this.
- 7.5.6. Having reviewed the available information, having regard to the site context, the relationship of buildings to spaces existing and proposed, including having regard to the lateral separation between the proposed dwelling relative to spaces and elevations that would be sensitive to change, the overall scale and built form of the proposed dwelling which would be located to the north of the semi-detached pair of No.s 29 and 31 Ormond Road South, the appellants willingness to provide further reduction in overshadowing by way of the modest amendments to the roof profile of the proposed dwelling unit proposed under their appeal submission, I am satisfied that the proposed development as lodged or as amended would not give rise to any significant detrimental impact on the residential amenity of neighbouring property by reason of undue overshadowing. I am also satisfied despite the absence of detailed daylight, sunlight, and overshadowing impact analysis that there is insufficient expert-based

information to warrant a refusal of permission on the basis of serious diminishment of residential amenities by way of overshadowing in this case.

7.5.7. In relation to the devaluation of property in the vicinity of the proposed development, I am not satisfied that this has been demonstrated by any evidence-based examination of this matter by a qualified experiences expert in this field. This includes a lack of clarity by the Planning Authority on the basis that they reached such a conclusion. On this basis I have no information before me to base any conclusion that the proposed development, if permitted, would result in a devaluation of property in the vicinity of the proposed development.

7.5.8. Conclusion:

I accept that the land use zoning objective for the site and its setting seeks to ensure that there is an appropriate balance achieved between the provision of improved residential amenities and the protection of established residential amenities of this conservation area. I also accept that the amended design provides for some improvements to the residential amenity impact outcome for properties in the vicinity, particularly by way of the changes to the roof including reduction in eaves height relative to sensitive to change boundaries of existing properties. Overall, I am satisfied that the proposed development would nor warrant refusal on the basis of its potential to give rise to serious injury of the residential amenity or property values of properties in its vicinity by way of visual overbearance, overshadowing and/or overlooking.

7.6. Other Matters Arising

7.6.1. **Precedent Cases:** Reference is made by parties to this appeal case to examples that relate to cases whereby precedent has been set for dwelling units accessed from service and mews lanes. The case is further made that relevant planning provisions and guidance, including but not limited to the zoning objective for the site, supports the proposed development as part of densification of residentially zoned land within the built-up area of Dublin city. While I acknowledge same, I consider that the proposed development should be considered on its own merits and on a site-specific basis, having regard to relevant local through to national planning provisions and guidance.

7.6.2. **BHAO5 of the Development Plan (New Issue):** Under the applicable Development Plan it is an objective of the City Council to prepare a best practice guide regarding

mews developments in the city. I note that at the time this report was prepared this best practice guide had yet to be prepared and adopted. While I accept that the proposed development does not propose to access the dwelling unit via the unnamed substandard in width and condition adjoining laneway bounding the northern side of this restricted in area site. There is also no agreed vision to develop in a coherent manner this service lane to become a mews lane. Including any proposals for improvements to its substandard width to condition to accommodate such a functional change of its use. Though I accept that this site has the unique benefit of occupying a corner position at the junction of the said lane and Annesley Park. A situation which is not the same as other properties to the west of it, including the corner site of No. 1A Ormond Road South, which fronts onto a corner section of this substandard laneway, in the absence of a coherent vision for this lane and best practice guide the proposed development could be considered *ad hoc*, piecemeal and premature residential development.

- 7.6.3. **Objective QHSNO4 of the Development Plan (New Issue):** Under the applicable Development Plan it is an objective of the City Council to prepare a design guide regarding innovative housing models, designs and solutions for infill development, backland development, mews development, re-use of existing housing stock and best practice for attic conversions. At the time this report the City Council has yet to prepare and/or adopt such a design guide.

8.0 AA Screening

- 8.1. I have considered the appeal in relation to the proposed development in light of the requirements S177U of the Planning and Development Act 2000, as amended. The subject site is located c3.4km to the east of South Dublin Bay SAC (Site Code: 000210) and South Dublin Bay & River Tolka Estuary SPA (Site Code: 004024), as the bird would fly.
- 8.2. The proposed development in summary comprises of the demolition of an existing outbuilding construction of 1 no. detached dwelling on a site area of 58m² together with associated site development works and services to the rear of No. 31 Ormond Road South, a Protected Structure.

- 8.3. No nature conservation concerns were raised in the planning appeal or by the Planning Authority during the course of their determination of this planning application.
- 8.4. Having considered the nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect to any Natura 2000 Site. The basis for this conclusion is as follows:
- The nature, scale, and extent of the proposed development.
 - The brownfield nature of the appeal site and its location within an established and serviced suburban area of Dublin City.
 - The site is served by an existing connection to the public foul sewer and public water supply. There is no capacity issue in terms of these public services to accommodate the nature, scale, and extent of residential proposed.
 - The separation distance from the nearest Natura 2000 site(s) and the lack of any connections.
 - The nature of the intervening lands between the site and the nearest Natura 2000 site.
 - The screening assessment conducted by the Planning Authority and their conclusions.
- 8.5. Conclusion: I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a Natura 2000 Site or Sites and appropriate assessment is therefore not required in this case.

9.0 Recommendation

- 9.1. I recommend that planning permission is **refused** in accordance with the following reasons and considerations.

10.0 Reasons and Considerations

1. The proposed development by reason of its poor quality design, layout, lateral separation distance to the rear of the host dwelling and limited quantum as well as quality of functional private open space would provide a poor standard of

residential amenity for future occupants of the development and would for this reasons be contrary to the applicable standards provided under the Dublin City Development Plan, 2022-2028, for such a development at such a location, in particular Section 15.13.3, Section 15.13.4 and Section 15.13.5.1.

Additionally, the 'Residential Neighbourhoods (Conservation Areas) – Zone Z2' land use zoning objective pertaining to the site and its setting seeks '*to protect and / or improve the amenities of residential conservation areas*' and the site forms part of the curtilage of No. 31 Ormond Road South, a Protected Structure, is adjoined and neighboured by Protected Structures, including but not limited to No. 29 Ormond Road South and No. 33 Annesley Park, that form part of its Residential Neighbourhood Conservation Area setting.

In this context, it is considered that the proposed density of the proposed development on this restricted site whilst consistent with local through to national planning provisions that seek increased density, is out of character with the existing pattern of residential development in the vicinity and would set a precedent for further piecemeal and uncoordinated development in the vicinity of the site, particularly along the adjoining stretch of the unnamed substandard in width and condition laneway on its southern side.

The proposed development is therefore considered to be contrary to the provisions of the said Development Plan and the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Patricia-Marie Young
Planning Inspector - 27th September 2024.

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-319780-24			
Proposed Development Summary	PROTECTED STRUCTURE: Construction of a dwelling with all associated site works.			
Development Address	No. 31 Ormond Road South, Protected Structure, Ranelagh, Dublin 6.			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓	
		No	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes		Class.....	EIA Mandatory EIAR required	
No	✓		Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes	✓	Class 10(b)(i) of Part 2: Threshold 500 dwelling units (iv) urban development 10 ha site. Class 14 of Part 2 (demolition)	Development consists of subdivision of the curtilage of a PS, the demolition of an outbuilding, the	Proceed to Q.4

			construction of a dwelling unit together with associated site works & services.	
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4. Has Schedule 7A information been submitted?		
No	N/A	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: 27th September, 2024.